

REMARKS

Claims 9-13, 33-37 and 49-53 are pending in this application. Of these, claims 1, 33 and 49 are independent. Claims 1-8, 14-32 and 38-48 have been cancelled. Applicant has also added new claims 50-53, which claim computer-readable medium counterparts of the presented method claims. Favorable reconsideration and further examination are respectfully requested.

Claim Objections

The foregoing amendments and/or claim cancellations are understood to overcome the Examiner's objections.

Claim Rejections

Claims 9-13, 33-37 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blaser (U.S. 6,757,661) in combination with Jacob (U.S. 2002/0161633).

Independent claim 9 recites:

9. A method performed by one or more processing devices, comprising:
receiving a request and information indicative of a local time in a time zone from which the request was sent;
accessing, in response to the request, a mapping of (i) one or more time ranges that are independent of the time zone, to (ii) one or more prices to be paid by an advertiser for a display of an advertisement;
determining, in the mapping, a time range that comprises the local time;
identifying, based on the time range, a price for the advertisement; and
determining, at least partly based on the price for the advertisement, a score for the advertisement.

In particular the claims have been amended to further emphasize that the "time ranges" are independent of a time zone and are not fixed to a particular time zone, as described in the following example from Applicant's specification:

Consider, for example, a nationwide courier service that offers package pickup until midnight for next day delivery, while most of their competitors only offer package pickup until 8:00 PM, local time. If such a nationwide courier service wants to advertise on the Internet, the value to them of serving their ads from 7:30 PM to 11 :55 PM (or some other time range corresponding to a time when users will not be able to meet an 8:00 PM pickup deadline, but

should be able to meet a midnight pickup deadline) might be higher than the value of serving their ads from 9:00 AM to 7:29PM (because they have less competition after 8:00 PM and customers are likely to use their services that day). However, the value to the courier of serving its ads after 12:00 midnight might drop precipitously since the courier can no longer differentiate its services from its competitors for an end user that needs something to be delivered that day. Note in this example that the value of serving the ads depends on the time for the end user to which the ad will be rendered. For example, an ad touting pickup until midnight may have little value for a user on the east coast at 1:30 AM, but great value for a user on the west coast at 10:30 PM. If, however, the time-of-day is determined merely using a fixed time alone, this great difference in value cannot be used in ad serving. (Applicant's specification as filed, page 4, lines 15-30, emphasis added).

However, the applied art is not understood to describe or to render obvious at least the foregoing underlined features of claim 9. For example, rather than describing the foregoing underlined features of claim 9, Blaser describes "target criteria" for display of an advertisement.

Blaser states:

A Product table preferably exists for each product that the advertiser wishes to promote. Each Product table is preferably associated with at least one Advertisement table that includes information about the advertisement to be displayed to the user, including criteria fields relating to the demographic category or categories to which the advertisement is sent. The target criteria may be divided into several categories, such as geographic location, age, gender, marital status, hobbies, occupation, etc. The target criteria fields preferably each have corresponding fields in the User Information table. The Advertisement table may also include preferred times of day at which the advertisement is displayed to users. (Blaser, col. 10, lines 1-13).

As described in the foregoing passage, Blaser's "target criteria" includes "preferred times of day at which the advertisement is displayed to users." However, nowhere is Blaser understood to describe or to render obvious that its "preferred times of day" are accessed in "a mapping of (i) one or more time ranges that are independent of the time zone, to (ii) one or more prices to be paid by an advertiser for a display of an advertisement," as claimed. In Applicant's opinion, Blaser fails to describe whether its "preferred times of day" are based on a time that is independent of a time zone or are based on a time that is dependent on a time zone. Moreover, nowhere does Blaser describe or render obvious that its "preferred times of day" are used in "identifying ... a price for the advertisement," as claimed.

Jacob, taken in any combination with Blaser, fails to remedy the foregoing deficiencies in Blaser. For example, rather than teaching the claimed feature of "accessing ... a mapping of (i) one or more time ranges that are independent of the time zone, to (ii) one or more prices to be paid by an advertiser for a display of an advertisement," Jacob teaches the display of advertisements in particular "geographic locations" during particular times.

Jacob states:

For example, let us consider one advertiser, 119, to be Jane's Pancake House and another advertiser, 121, to be Dick's Television Broadcasting Company. In coordination with the service provider 123, Jane's identifies the following attributes for her pancake house: 1) restaurant and 2) local address and ZIP code(s) (i.e., local market). Likewise Dick's identifies the attributes: 1) entertainment, 2) television, and 3) regional market. As depicted in the map representation of FIG. 3, Jane's Pancake House is located in suburb A while Dick's Television Broadcasting Company provides a television signal that covers suburb A, city B, and village C. Jane believes that the most effective use of her Internet advertising budget is to target moveable communication units that are located essentially within the three ZIP codes that designate the postal zones in suburb A. On holidays like Mother's Day, however, Jane has discovered that many people in City B are looking for a good restaurant, so Jane expands her advertising geographic reach to the thirteen ZIP codes covering City B during the time preceding the holiday. Jane does not advertise in Village C. Of course, the service provider will charge an advertising premium for this service--not only does Jane's get a geographic focus for her advertising, but Jane's gets her message delivered during the time she believes most important to those wanting to know where Mother's Day breakfast is being served. Dick's Television Broadcasting Company wants to advertise to those users on the move throughout the geographic area include Suburb A, City B, and Village C and includes those ZIP codes for those areas in the advertising attributes stored by the service provider. (Jacob, para. 28).

As described in the foregoing passage, Jacob teaches the display of an advertisement "during the time ... most important to those wanting to know where Mother's Day breakfast is being served." However, nowhere is Jacob understood to describe or to render obvious that its "time ... most important to those wanting to know" is accessed in "a mapping of (i) one or more time ranges that are independent of the time zone, to (ii) one or more prices to be paid by an advertiser for a display of an advertisement," as claimed. Rather, it is Applicant's understanding that Jacob's "time ... most important to those wanting to know" is dependent on a fixed-time zone for "the thirteen ZIP codes covering City B during the time preceding the holiday."

For at least any or all of these reasons, claim 9 is understood to be patentable over the combination of cited art. Claims 33 and 49 include similar limitations to claim 9 and are therefore understood to be patentable for at least the reasons discussed above with regard to claim 9. All of the dependent claims are understood to be patentable for at least similar reasons as those for the claims on which they depend are patentable. In addition, due to the clear distinction of the independent claims over the combination of cited art, Applicant believes it unnecessary to argue the further novel features of the dependent claims.

Canceled claims, if any, have been canceled without prejudice or disclaimer. Any circumstance in which the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

This Reply is accompanied by a Request for Continued Examination. No fees are believed due at this time. Please apply any charges or credits to deposit account 06-1050, referencing Attorney Docket No. 16113-0767001.

Respectfully submitted,

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